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10/524,001

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EXAMINER

ALIE, GHASSEM

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

06/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,001

Applicant(s)

PERINI, FABIO

Examiner

Ghassem Alie

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 7-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>02/08/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election with traverse of Invention I (claims 1 and 3-6) in replay filed on 05/10/07 is acknowledged. The traversal is on the ground(s) that that the apparatus claims in Inventions I-II requires the particulars of the process claims. This is incorrect. As clearly stated in the pervious Office Action, the claimed apparatus in claims 1-6 can be used to practice another materially different process such as process of rewinding a plastic web or film into rolls or logs and cutting the plastic web into small rolls. The process in Invention IV can be used be practiced by another and materially different process that does not include a store to store the trimmed logs. It should be noted, "for purpose of the initial requirement a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search defined in MPEP § 808.2." As stated in previous Office Action, each Invention has a different classification, a separate status in the art, and a different field of search. Therefore, there is a serious burden on the Examiner to examine all distinct individual inventions in Groups I-IV together. The Search for each individual invention in Groups I-IV may overlap but do not coincide identically throughout. Examiner is in time constraint. Therefore, examination of all the inventions in Groups I-IV together is a serious burden on the Examiner and prevents the Examiner from properly examine the invention and degrades the quality of the examination. The requirement is still deemed proper and is therefore made FINAL.
2. Claims 2 and 7-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable

generic or linking claim.

Drawings

3. The drawings are objected to because the drawing sheet numbers are placed in the middle of the bottom margin of the sheets. The drawing sheet numbers should be placed in the middle of the top margin of the drawings sheets.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

Art Unit: 3724

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because it is replete with legal phraseology often used in patent claims, such as "means," "comprises," "characterized in that." Correction is required. See MPEP § 608.01(b).
6. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.
7. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.

Art Unit: 3724

- (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

8. The disclosure is objected to because of the following informalities: it does include the sections and the heading in the order mentioned above.

9. The disclosure is objected to because of the following informalities: in page 7, line 22; "a coloured line 22" should be --a colored line 22--. Appropriate correction is required.

Claim Objections

10. Claims 1 and 3 are objected to because of the following informalities: in claim 1, lines 3-4, "elongated paper rolls or logs" is suggested to be --elongated paper logs--. In claim 3, line 5, "a station with cutting means" is suggested to read --a station with trimming means--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Betti et al. (2003/0027653 A1), hereinafter Betti, in view of Nystrand (3,905,260).

Regarding claim 1, Betti teaches an apparatus for producing small paper rolls R.

Betti also teaches that the apparatus includes a trimming device 23B for trimming logs L. Betti also teaches a store 11 for storing trimmed logs L and a cutting-off machine 23A. Betti also teaches that the store 11 supplies the trimmed logs L to the cutting-off machine and the cutting-off subdivides the logs L into a plurality of small rolls R. After the logs L are trimmed by the trimming device 23B the store holds the trimmed logs L and supplies the Logs to the cutting-off machine 23A See Figs. 1-2 and col. 3, paragraphs 26-39 in Betti. Betti does not explicitly teach a rewinding machine for producing elongated paper. However, a rewinding machine such as taught by Nystrand is used for to produce elongated logs. Nystrand teaches a rewinding machine to produce logs that is supplied to a severing machine or cutting machine 28. See Fig. 2 in Nystrand. It would have been obvious to a person of ordinary skill in the art to provide a rewinding machine for Betti's apparatus in order to produce elongated logs and supply them to the cutting station in the same apparatus.

13. Claim 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gambaro et al. (2002/0121170), hereinafter Gambaro, in view of Nystrand (3,905,260), and in further view of Friden (2,047,021). Regarding claim 1, Gambaro teaches an apparatus for producing small logs or rolls 22. Gambaro also teaches a store 12 for storing logs 20 and supplying the logs 20 to a cutting-off machine 8 for subdividing the logs 20 into a plurality of small rolls 22. Gambaro also teaches that

Art Unit: 3724

the rolls of logs could be pipe or tube, a wound rolls and etc. See Figs. 1-7 and paragraphs 4-50.

Gambaro does not explicitly teach a rewinding machine for producing elongated paper rolls and a trimming device for trimming each log produced by the rewinding machine. However, the use of rewinding machine for producing elongated rolls or logs are well known in the art such as taught by Nystrand. Nystrand teaches a rewinding machine to produce logs that is supplied to a severing machine or cutting machine 28. See Fig. 2 in Nystrand. It would have been obvious to a person of ordinary skill in the art to provide a rewinding machine for Gambaro's apparatus in order to produce elongated logs and supply them to the cutting station in the same apparatus.

Gambaro, in view of Nystrand, also does not explicitly teach a trimming device to trim the logs before the logs are supplied to the cutting-off machine.

However, the use of trimmer to trim logs or rolls are well known in the art such as taught by Friden. Friden teaches logs 9 supplied to a trimming machine 50, 51 for trimming the logs. See Figs. 1-3 in Friden. Therefore, it would have been obvious to a person of ordinary skill in the art to provide Gambaro's apparatus, as modified by Friden, with a trimming machine, as taught by Friden, in order to trim the logs and eliminate uneven or rough end edges of the logs prior to the step of subdividing the logs into plurality of logs. It should be noted that claim set forth a series of machines placed on a floor. Examiner's position is that placing a multiple machines in close distance from each other to create a process for manufacturing a product is old and well known.

Regarding claims 3-6, Gambaro as modified by Friden, teaches everything noted above including a section for entry for the logs to be trimmed and a section for the exit of the logs to be trimmed. See Fig. 3 in Friden. Friden also teaches a station with cutting means 50, 51 for trimming the logs and means 17 for moving the logs 9 between the entry section, the cutting station 50, 51 and the exit section. Friden also teaches means 22 associated with the log-moving means 17 for retaining the logs 9 when subjected to the movement. Friden also teaches that the log retaining means 22 are grippers. Friden also teaches that the grippers 22 are associated with the means 17 for moving the logs. It should be noted that the grippers could be defined by the belt 30 that is associated with means 22, which could be defined as means for moving the logs. The belt 30 is considered to be a plurality of grippers that are connected together. Friden also teaches means 6 for transferring the logs from the entry section to the moving means 12 for moving the logs. Friden also teaches that the means 6 for transferring the logs 9 being disposed between the section for entry and the means 12 for moving the logs 9. Friden also teaches that the means for transferring the logs 9 includes a body 11 mounted on a shaft parallel to the logs which enter the entry section and the body having a plurality of seats. It should be noted that the screws that mount the body 6 to the plate 8 is considered to be a shaft and the plurality of seats are defined by the steps formed in the body 11. See Fig. 3 in Friden.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to

Art Unit: 3724

applicant's disclosure.

Vaniman et al. (2,812,785), Blume (5,257,898), Biagitti (5,038,647), Johnson et al. (5,497,959), and Fullaway (3,812,951) teach an apparatus for producing small paper rolls.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 14, 2007

Patent Examiner
Ghassem Alie
Art Unit 3724

Ghassem Alie